



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,569	10/22/2001	David B. Crosbie	BLS-005	4435

51414 7590 10/20/2005

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,569

Applicant(s)

CROSBIE, DAVID B.

Examiner

Norman M. Wright

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 72605.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date numerous.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 39 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a propagated signal; as such it is not tangibly embodied, and therefore non-statutory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2134

3. Claims 1-7, 10-11, 13-18, 20-22, 31-36, and 38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Helm et al., U.S. Pat. No. 6,157,834, hereinafter '834.

As per claims 1-7, 10-11, 13-18, 20-22, 31-36, and 38, '834 teaches a terrestrial and satellite cellular network having: a computer method for performing a seamless handoff, a mobile device, an initial access point, a target access point, a wireless network, assigning session data, a roaming server, a triggering event, transferring assignment/handoff, moving out of range, determining QOS/ level of congestion, point to point link and transferring access to the target access point, reassigning/ transient/ termination the session data, a system, gateway, server, communication interface. Packet networks inherently and routinely encapsulate headers and exchange data pertaining to addresses, sequencing and acknowledgement of packets. See figs. 1-3, col. 1, lines 45 et seq., col. 2, lines 15 et seq., col. 2, lines 45 et seq., col. 3, lines 23 et seq., col. 4, lines 20 et seq., col. 5, lines 24 et seq., col. 4, lines 24 et seq., col. 5 and 6.

As per claims 7, 9, 18 and 20, registering session data in a database, '834 teaches the use of mobile switching centers - MSCs for retaining the session data and control data of a handoff (col. 3, lines 45 et seq.), thus serving as a database for the duration of the session. A PTSN network or wireless network operating a cellular mobile protocol would inherently assign a mobile address to a mobile device (col. 2, lines 30 et seq.).

4. Claims 24-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wantanabe et al., U.S. Pat. No. 6,834, 192, hereinafter '192.

Art Unit: 2134

5. As per claims 24-29, '192 teaches the claimed method and apparatus comprising: a roaming server, a wireless network, performing seamless handoffs, a mobile device, an initial access point, a target access point, a master role, a slave role, establishing an association, terminating the role of slave, maintaining the role of master, from an initial piconet to a targeted piconet, determining to initiate the transfer of the mobile device by detecting increase loss rate/ QOS for packets, detecting mobile device is within range, an interface, a digital processor /gateway14 / MCD, transferring control between master and slave (figs. 1-5, background, at col.1, lines 5 et seq., col. 2, lines 5-25 et seq., and lines 52 et seq., col. 3-4, and col. 5, lines 30-col. 6, lines 50 et seq.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 12, 19, 23, 30, 37 rejected under 35 U.S.C. 103(a) as being unpatentable over '834 as applied to claims 1-6, 10-17, 20-22, above.

As per claims 23, 30 and 37, it distinguishes over the rejected claims by reciting a computer program product having a program embodied thereon. The examiner takes official notice of both the motive and modification necessary to place a compute process or method on a computer readable medium. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of 834 by

Art Unit: 2134

placing the instruction for the program on a computer medium. One of ordinary skill would have been motivated to perform such a modification, because, computer inventions, processes and methods are routinely stored on media for the ease of distribution and the convenience of having a portable media that serves as a backup to data loaded on a system.

8. As per claims 8 12 and 19, official notice is taken of both the motive and modification necessary for a session to contain encryption data. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of '834 with control data that is encrypted in order to secure the sessions between the mobile device and the target. One of ordinary skill in the art would have been motivated to perform such a modification, because, communication session which are communicated over wireless networks are routinely encrypted in order to ensure that the data and transaction path are protected from potential attacks.

Conclusion

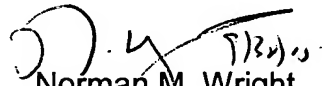
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Norman M. Wright
Primary Examiner
Art Unit 2134